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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

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10 DERON L. GRINAGE,)

11 Plaintiff(s),)

12 vs.)

13 CORRECTIONS OFFICER LEYBA; *et al.*,)

14 Defendant(s).)
15

2:06-CV-0835-RLH-GWF

ORDER

16 Before this Court is the Findings and Recommendation of United States Magistrate
17 Judge (#45, filed December 12, 2007), entered by the Honorable George W. Foley, regarding
18 Defendants' Motion for Summary Judgment (#38, filed August 30, 2007). No objection was filed to
19 Magistrate Judge Foley's Findings and Recommendation of United States Magistrate Judge in
20 accordance with Local Rule IB 3-2 of the Rules of Practice of the United States District Court for
21 the District of Nevada, and the matter was submitted for consideration.

22 The court has conducted a *de novo* review of the record in this case in accordance
23 with 28 U.S.C. §636(b)(1)(B) and (C) and Local Rule IB 3-2 and determines that the Findings and
24 Recommendation of Magistrate Judge Foley should be accepted and adopted.

25 IT IS THEREFORE ORDERED that Magistrate Judge's Report and Recommenda-
26 tion (#45, entered December 12, 2007) is ACCEPTED, AFFIRMED, and ADOPTED; Defendants'

1 Motion for Summary Judgment is DENIED as to Count I of Plaintiff's amended complaint, and
2 GRANTED as to Counts II and III.

3 Dated: January 17, 2008.

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6 **ROGER L. HUNT**
7 Chief U.S. District Judge
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